

# EXHIBIT D

**EXCERPTS FROM DEPOSITION OF  
IAN BRODRICK, M.D.  
(February 9, 2018)**

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CASE NO. 3:16-cv-08523-FLW-TJB

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NEW REFLECTIONS PLASTIC :  
SURGERY, LLC, : DEPOSITION OF:  
Plaintiff, : IAN BRODRICK, M.D.  
-vs- :  
REFLECTIONS CENTER FOR SKIN :  
AND BODY, PC, :  
Defendant. :  
:

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TRANSCRIPT of testimony as taken by and  
before JOANNE CIASULLI, a Certified Court Reporter  
and Notary Public of the State of New Jersey, at the  
offices of HYATT HOUSE HOTEL, 194 Park Avenue,  
Morristown, New Jersey 07960, on Friday, February 9,  
2018, commencing at 6:38 p.m. pursuant to notice.

	Page 2	Page 4
<p>1 2 APPEARANCES: 3 MEREDITH &amp; KEYHANI, PLLC 205 Main Street 4 East Aurora, New York 14052 212-380-1325 5 dkeyhani@meredithkeyhani.com BY: DARIUS KEYHANI, ESQ. 6 FRANCES STEPHENSON, ESQ. Attorney for Plaintiff 7 8 LERNER DAVID LITTENBERG KRUMHOLZ &amp; MENTLIK, LLP 600 South Avenue West 9 Westfield, New Jersey 07090 908-654-5000 10 gparadise@lerner david.com BY: GREGG A. PARADISE, ESQ. Attorney for Defendant 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>		<p>1 IAN BRODRICK, M.D., residing at 34 2 Ammerman Way, Chester, New Jersey 07930, having been 3 duly sworn by the Notary, testified as follows: 4 DIRECT EXAMINATION BY MR. KAYHANI: 5 Q Could you spell your full name for the 6 record please just so we have it? 7 A Yes. Ian, I-A-N, Brodrick, 8 B-R-O-D-R-I-C-K, no "E." 9 Q And could you give us your home address 10 for the record? 11 A It is 34 Ammerman, A-M-M-E-R-M-A-N, Way, 12 Chester, New Jersey 07930. 13 Q I can call you Dr. Brodrick? 14 A You can call me whatever you want. 15 Q That's what I'll call you then. Are you 16 represented by counsel today? 17 A Yes. 18 Q Have you been deposed before in any 19 context? 20 A I've testified in court once. It wasn't a 21 deposition, it was actually in court. 22 Q How about any depositions? 23 A No. 24 Q So this is your first deposition? 25 A Correct.</p>
<p>1 INDEX 2 WITNESS DIRECT CROSS REDIRECT RECROSS 3 IAN BRODRICK, M.D. 4 BY: MR. KEYHANI 4 5 EXHIBITS 6 NUMBER DESCRIPTION ID 7 Exhibit 1 Registration of the trademark with the State of New Jersey 23 8 Exhibit 2 Subpoena 28 Exhibit 3 Trademark Assignment 37 9 10 (Exhibits attached hereto.) 11 12 REQUESTS 13 DESCRIPTION PAGE 14 (No requests.) 15 16 17 18 19 20 21 22 23 24 25</p>	Page 3	<p>1 Q How did you prepare for today? 2 A Um... 3 Q I can ask another question. 4 Did you meet with anybody and prepare for 5 this deposition today? Did you look at any 6 documents? 7 A No. No documents. I spoke to my counsel. 8 Q On the telephone? 9 A On the telephone. 10 Q About how long? 11 A 10 minutes. 12 Q That's it? 13 A Yup. 14 Q No meetings? Nothing? 15 A Nothing. 16 Q How do you know Dr. Chasin? 17 A We trained together at Overlook Hospital, 18 1985 to 1988 in family medicine. 19 Q You were both residents at the time? 20 A Correct. Interns and residents, we were 21 in the same year. 22 Q And then what? Did you work with him 23 after that? 24 A We actually started an enterprise together 25 from our residency. We both were moonlighted during</p>

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<p style="text-align: right;">Page 18</p> <p>1 believed in the concept of aesthetics being --      2 Q What did Reflections mean to you?      3 A Aesthetic services. This was something      4 Mitch really had a passion for and --      5 Q You were describing this idea about your      6 inner beauty or inner, can you explain?      7 A It was a play on words. The idea was in      8 my mind reflections is what you see, when you look      9 in the mirror you see reflection back. So it's what      10 you see, Reflections Center for Skin and Body, that      11 was the concept, reflections is what you see. And I      12 you know, my input was, gee, that could also reflect      13 what you feel about yourself inside.      14 Q By what you --      15 A I don't know that that carried any weight      16 with Mitch. To be honest with you, that was just my      17 way of feeling like it was an okay thing, I mean, he      18 was about the aesthetics.      19 Q You were about how you feel inside?      20 A Well, yeah. You know, it was about trying      21 to take care of patients.      22 Q You still are?      23 A I still am.      24 Q That's what you focus on as you do right      25 now, you just came from there?</p>	<p style="text-align: right;">Page 20</p> <p>1 the space we took. We were you know the name and      2 the concept an aesthetics division as an entity name      3 really early on in doing any services. Then the      4 home base for that entity evolved because we      5 initially segregated rooms in our practice for that.      6 And I know, I know as best I could remember, we were      7 working on a title. You know the idea was it was      8 important to brand, especially because we were doing      9 urgent care, we were doing workers' comp, so in      10 order for this to actually have an appeal to people,      11 it had to have definition so branding was really      12 important. As I said, Mitch was very focused on      13 branding and it made sense. So we branded as the      14 decision was made to really do these services. Then      15 we did them within the practice then whenever we had      16 the chance to expand the space, we did that, we      17 expanded the space in several steps. We expanded      18 the space, sort of had an extra corridor where we      19 did the services then we took the other section, the      20 far end where it had its own entrance. Then we      21 back-filled and it grew and took over other space we      22 had in my section, like primary section because at      23 one point Mitch and I divided our practice, we      24 split. At that point we physically, his place      25 expanded to take more space. So it's gone through</p>
<p style="text-align: right;">Page 19</p> <p>1 A Yeah.      2 Q So do you know about when, again, this is      3 not a memory test and if you get it wrong, about      4 when -- you came up -- you guys --      5 MR. PARADISE: Let me just, because      6 the court reporter I see her grimacing. Wait for      7 Mr. Keyhani to finish his question. Make sure it's      8 all out and you got it and then go ahead and answer      9 it.      10 MR. KEYHANI: Thanks.      11 Q When do you think approximately you and      12 Dr. Chasin collaboratively or however came up with      13 the name Reflections Center for Skin and Body to the      14 best of your recollection?      15 A I'd be guessing. I'd guess and go back to      16 late '90s I think, but that's truly a guess.      17 Q Could be anywhere around there?      18 A Yeah.      19 Q And when -- to the best of your      20 recollection, that's all we can ask for. The next      21 question is when was the separate, when was the sign      22 put up with that name let's say somewhere in that      23 floor?      24 A I'm not sure I can answer that. The      25 reason I say that is there was such an evolution of</p>	<p style="text-align: right;">Page 21</p> <p>1 several phases. So the sign went up early in that.      2 At that point we had more space on that floor we      3 wanted to make it seem, not seem but to be apparent      4 and clear to people that there was Priority Medical      5 Care, there was the occupational medicine and stuff,      6 family medicine, excuse me, and then there was      7 Reflection Center for Skin and Body. So there was      8 three different sign boxes.      9 Q And that labeling of the different parts      10 of this floor or office happened around maybe like      11 2000 something? Give --      12 A You know, like as best if I can search my      13 brain probably around 2000, certainly no later.      14 Like 2000, 2001 I think.      15 Q That's your best, that's what it is.      16 At what point did you and Mitch sort of      17 separate your practices so to speak as you put it?      18 A You mean like buyout because that's easy.      19 I --      20 Q Yeah. Buyout, okay, the buyout.      21 A Yes. That was 2007.      22 Q Who bought who out? How did that work?      23 A It was a structured --      24 Q By the way, if there's anything      25 confidential, if you have something you don't want</p>

<p style="text-align: right;">Page 22</p> <p>1 to share with somebody -</p> <p>2 A Well, I mean, I bought his share out of</p> <p>3 the, the Priority Medical Care, the basic practice</p> <p>4 and he in essence bought out my share of the</p> <p>5 Reflections entity.</p> <p>6 Q In 2007?</p> <p>7 A Correct. It was all part of a single</p> <p>8 transaction.</p> <p>9 Q Do you recall any registrations for</p> <p>10 trademarks relating to any of the names that were</p> <p>11 being used at the time, any of these payments you</p> <p>12 mentioned?</p> <p>13 A When you say do I recall, what do you mean</p> <p>14 exactly?</p> <p>15 Q I mean -- let me just ask the question.</p> <p>16 Did you register any trademarks --</p> <p>17 A Absolutely.</p> <p>18 Q For which did you register trademarks?</p> <p>19 When I say you, I mean you or Dr. Chasin.</p> <p>20 A We obviously when we started we registered</p> <p>21 Priority Medical Care, we registered the Family</p> <p>22 Health Center when we expanded to do that on</p> <p>23 Priority Medical Care. We actually, we registered</p> <p>24 Reflections Center for Skin and Body when we started</p> <p>25 that as, we registered that as well.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q It appears to say in the document that</p> <p>2 there's a registration being filed and registered</p> <p>3 for the word Reflections. And then it has a number</p> <p>4 of categories and services that are being provided</p> <p>5 in connection with the term Reflections. Take a</p> <p>6 look at that and see if you have any issue for</p> <p>7 characterizing that.</p> <p>8 A The only issue I would take is I don't</p> <p>9 read these documents so I don't know what the format</p> <p>10 is, if that's the standard format for it or if</p> <p>11 that's the entire word of title, I don't know.</p> <p>12 Q Understood. And you're not a lawyer and</p> <p>13 I'm not asking you to take any position like that.</p> <p>14 I guess my question is -- first of all, I'll submit</p> <p>15 that that was produced by Dr. Chasin in this case.</p> <p>16 I didn't produce that, Dr. Chasin's lawyers produced</p> <p>17 that and it's documents that he produced. What I'm</p> <p>18 trying to understand is in that document if you</p> <p>19 don't mind, it says down here that the use of, it</p> <p>20 says registration date is November 16, 2001,</p> <p>21 expiration date -- I'm going to give this back to</p> <p>22 you -- is 11/16/2006, and it says, that the name is</p> <p>23 a service mark and it says Reflections, skin and</p> <p>24 body treatment services including microderm</p> <p>25 abrasion, body skin treatments, massages, et cetera.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q With who did you register Reflections</p> <p>2 Center for Skin and Body?</p> <p>3 A When you say who --</p> <p>4 Q Was it a federal registration or --</p> <p>5 A I don't know the details of that. We did</p> <p>6 it through our attorneys. So other than paying the</p> <p>7 bills for the attorneys in that --</p> <p>8 THE WITNESS: Sorry --</p> <p>9 A -- you know, I know that we did it because</p> <p>10 we had them, periodically they'd come up for renewal</p> <p>11 and there would be something, to write a check or</p> <p>12 write or something like that.</p> <p>13 MR. KEYHANI: I'd like to mark this</p> <p>14 document as Exhibit 1 for deposition.</p> <p>15 (Exhibit 1, marked for</p> <p>16 identification.)</p> <p>17 Q This document is, or what appears to be is</p> <p>18 a registration of the trademark with the state of</p> <p>19 New Jersey. If you don't mind taking a look at this</p> <p>20 and see if you recognize this document.</p> <p>21 A I can't say I recognize it. It's not --</p> <p>22 Q Okay. Take a moment to read it at least</p> <p>23 and see if what it says makes sense to the extent</p> <p>24 that it can make sense.</p> <p>25 A Okay.</p>	<p style="text-align: right;">Page 25</p> <p>1 And then various classifications and so forth. It</p> <p>2 does not in this registration and it says, it does</p> <p>3 not refer anywhere in here to the name Reflections</p> <p>4 Center for Skin and Body. Do you know why -- first</p> <p>5 of all, let me ask this question. Strike that.</p> <p>6 Do you know if any registration was ever</p> <p>7 applied for for the name Reflections Center for Skin</p> <p>8 and Body?</p> <p>9 A I couldn't answer that because I didn't</p> <p>10 handle any of these. I didn't even handle the</p> <p>11 registration for Priority to be honest with you.</p> <p>12 Q Fair enough. Do you know why the word</p> <p>13 Reflections was singly, by itself registered for but</p> <p>14 not the rest of the name?</p> <p>15 A Again, I had no involvement in that so I</p> <p>16 couldn't answer what was done, why it was done, you</p> <p>17 know. It wasn't one of my tasks.</p> <p>18 Q Fair enough. Do you know if there was any</p> <p>19 division or office in your practice or collective</p> <p>20 practice that was called just the word Reflections?</p> <p>21 A I can't call that meeting as a formal</p> <p>22 title.</p> <p>23 Q Was there a sign up anywhere that said</p> <p>24 just Reflections by itself?</p> <p>25 A My only recollection, and again it's</p>

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<p style="text-align: right;">Page 26</p> <p>1 recollection.</p> <p>2 Q That's all you got.</p> <p>3 A Reflections Center for Skin and Body.</p> <p>4 Q You don't recall the word Reflections</p> <p>5 being used by itself on any particular letterhead,</p> <p>6 name card --</p> <p>7 A I truly don't but.</p> <p>8 Q And all I can ask is your recollection and</p> <p>9 if you don't, you don't recall, or you do, whatever.</p> <p>10 So you don't recall any of that?</p> <p>11 A No.</p> <p>12 Q So any kind of, the sign on the wall that</p> <p>13 you referred to said Reflections Center for Skin and</p> <p>14 Body?</p> <p>15 A As I recall it.</p> <p>16 Q As you recall it. Okay. And you don't</p> <p>17 have any explanation, I'm not going to ask this</p> <p>18 question again, but you don't have any explanation</p> <p>19 as to is why the registration the word Reflections</p> <p>20 was filed by itself?</p> <p>21 A To be honest with you, I had no direct</p> <p>22 involvement with registrations other than like I</p> <p>23 said I paid for renewals or paid bills, so I don't</p> <p>24 really understand the structure of how they're done.</p> <p>25 I wasn't involved in that, so I don't know about the</p>	<p style="text-align: right;">Page 28</p> <p>1 the word Reflections by itself?</p> <p>2 A No.</p> <p>3 Q When was the last time you spoke to</p> <p>4 Dr. Chasin?</p> <p>5 A The last time I spoke to him was when I</p> <p>6 was served.</p> <p>7 Q Okay. For the purposes, since you brought</p> <p>8 that up, if you take a look --</p> <p>9 (Exhibit 2, marked for</p> <p>10 identification.)</p> <p>11 Q See if you recognize this. Is this what</p> <p>12 you're talking about?</p> <p>13 A To the best of my recollection, that's</p> <p>14 what it is.</p> <p>15 Q Somebody came to your door?</p> <p>16 A Well, they dropped it at the front desk at</p> <p>17 my office which was pretty damn obnoxious. Sorry.</p> <p>18 Q Sorry. That's how it's done.</p> <p>19 A You know, you're going to a medical</p> <p>20 practice and you serve one of the doctors, the staff</p> <p>21 doesn't understand what they're being served for so</p> <p>22 it has a really bad connotation so it doesn't</p> <p>23 engender good feelings.</p> <p>24 Q I apologize for that.</p> <p>25 A So I do remember.</p>
<p style="text-align: right;">Page 27</p> <p>1 formality in the language or if it's broad for any</p> <p>2 reason, I had no involvement. So if you're asking</p> <p>3 me to conjecture, I'm the wrong person to ask.</p> <p>4 Q I'm not asking you to conjecture at all.</p> <p>5 I'm just trying to get your recollection --</p> <p>6 A I was not involved in that at all.</p> <p>7 Q And of course you never told me anybody to</p> <p>8 file a registration just on the word Reflections</p> <p>9 presumably?</p> <p>10 A Absolutely not.</p> <p>11 Q Presumably it was Dr. Chasin that decided</p> <p>12 to do this?</p> <p>13 MR. PARADISE: Objection to form.</p> <p>14 Q You don't even know if Dr. Chasing</p> <p>15 decided --</p> <p>16 A He may have tasked to someone else in the</p> <p>17 office to do it. But he would have gone through our</p> <p>18 attorneys, I know that. That's how he would have</p> <p>19 done it.</p> <p>20 Q But you had no part in deciding this</p> <p>21 document?</p> <p>22 A As far as the document goes, I don't have</p> <p>23 any recollection of and I wouldn't have had any</p> <p>24 involvement.</p> <p>25 Q And you didn't tell anybody to register</p>	<p style="text-align: right;">Page 29</p> <p>1 Q I apologize for that. We were just doing</p> <p>2 our job.</p> <p>3 Do you understand what this document is,</p> <p>4 at least from your perspective what it is?</p> <p>5 A Can I be -- no.</p> <p>6 Q This is a serious event --</p> <p>7 A Yes. It's a subpoena to testify.</p> <p>8 Q And it's basically like an order to come</p> <p>9 in here and testify and provide your honest</p> <p>10 recollection about facts relating to the dispute.</p> <p>11 A Okay.</p> <p>12 Q That's all. It does not implicate you in</p> <p>13 any way, shape, or form.</p> <p>14 A Didn't feel implicated.</p> <p>15 Q Okay. Good. And you understand that</p> <p>16 today the testimony we're taking from you is</p> <p>17 pursuant to this subpoena that's marked as Exhibit 2</p> <p>18 in front of you?</p> <p>19 A Yes.</p> <p>20 Q So when you received this document from,</p> <p>21 or you found this document at your office and you</p> <p>22 were not particularly pleased about it but you say</p> <p>23 you spoke to Dr. Chasin about it, you called him?</p> <p>24 A I called him.</p> <p>25 Q What did you tell him?</p>

<p style="text-align: right;">Page 42</p> <p>1 customers, customers, for the patients that walked 2 in the door, they would only see, to the extent 3 there was any writing about a sign or on a piece of 4 document or whatever, they would only see the name 5 Reflections Center for Skin and Body, they wouldn't 6 see the word Reflections by itself?</p> <p>7 A Well, I believe, Reflections was big, 8 bigger than any other words, just like Priority 9 Medical Care. You know, Urgent Medical and Family 10 Health Center were the small things in our name but 11 the name that stood out was Reflections Center for 12 Skin and Body. But certainly, casually you might 13 look at that and go, oh, Reflections because that's 14 the bigger word. That's my recollection.</p> <p>15 Q But the name was always all together, the 16 full name?</p> <p>17 A As I recall it, and I can't say always 18 just that's how I recall it to be.</p> <p>19 Q Understood.</p> <p>20 A Excuse me, yes. I definitely, now you say 21 recalled it, the other placed was referred to 22 Reflections of Livingston.</p> <p>23 Q Which place?</p> <p>24 A The second center, Reflections of 25 Livingston, that's how we would refer to it as. In</p>	<p style="text-align: right;">Page 44</p> <p>1 A No. But again, minimal, minimal 2 interaction there. I went there a couple of times, 3 you know. It was an awkward entity to have him run 4 a separate entity while we were partners in the 5 first one.</p> <p>6 Q Understood. Understood. But I'm just 7 trying to get your best recollection. You don't 8 believe that there was a sign called Reflections of 9 Livingston on that second office?</p> <p>10 A I have no recollection of that, but I have 11 no recollection if there wasn't. I mean, I just, 12 you know, I just didn't go there, I mean, I have 13 gone there. I actually went there in that brief 14 period when I would do work with the laser lipo with 15 Mitch, see the patients there to talk to them, so I 16 went there a few times but it was not something that 17 I was -- we were not -- I didn't own it any more. 18 It wasn't in my life any more at that point.</p> <p>19 Q So you're not even sure -- strike that.</p> <p>20 A Little earlier you testified that you 21 believe that the second center was also called 22 Reflections Center for Skin and Body. Is that still 23 your recollection?</p> <p>24 A That is my recollection but that's based 25 on literally searching my brain back. I mean, I</p>
<p style="text-align: right;">Page 43</p> <p>1 other words, because there was Reflections and 2 Reflections of Livingston we had to deal with. When 3 you mentioned that name where it was tied to, yeah. 4 I mean, certainly it was called that because that 5 was a distinction in which office are you talking 6 about.</p> <p>7 Q But the office, that office was also 8 Reflections Center for Skin and Body when you 9 entered it?</p> <p>10 A I won't say that with certainly. That was 11 my understanding. I was there very few times.</p> <p>12 Q That was your understanding?</p> <p>13 A Yeah. I mean, I just didn't go there very 14 much. That was Mitch's place.</p> <p>15 Q It was your understanding that the second 16 office that Mitch opened or Dr. Chasin opened which 17 was also called Reflections Center for Skin and 18 Body, that also went by among yourselves Reflections 19 of Livingston?</p> <p>20 A On the business level.</p> <p>21 Q On the business level between you guys.</p> <p>22 A Because we had to have a distinction.</p> <p>23 Q But there was no sign there that said 24 Reflections of Livingston as far as you could 25 recall?</p>	<p style="text-align: right;">Page 45</p> <p>1 have no basis other than...</p> <p>2 Q Your recollection?</p> <p>3 A That's my recollection.</p> <p>4 MR. KEYHANI: How about we take a few 5 minute break and you can use the bathroom if you 6 need to. I'll talk to my colleague here.</p> <p>7 (A break is taken.)</p> <p>8 MR. KEYHANI: Dr. Brodrick, we are 9 very appreciative that you came in to do this and 10 you will not be getting any more subpoenas from us 11 at least and I don't have any more questions for 12 you. Your evening is over unless Mr. Paradise has 13 any questions.</p> <p>14 MR. PARADISE: I don't have any 15 questions or a desire to keep you any later so this 16 concludes the deposition.</p> <p>17 THE WITNESS: Thank you. (Deposition adjourned at 7:43 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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EXHIBIT

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2/9/18  
KG-TRADEMARK ASSIGNMENT

This Agreement is between Priority Medical Care, P.A., a corporation organized under the laws of New Jersey, having a place of business at 350 Grove Street, Bridgewater, NJ 08807 ("Assignor"), and Reflections of Livingston, LLC, a New Jersey corporation, having a place of business at 299 East Northfield Road, Livingston, NJ 07039 ("Assignee").

For good and valuable consideration, the receipt and exchange of which is hereby acknowledged, Assignor hereby assigns to Assignee all of the right, title and interest in and to the following trademarks and registrations:

REFLECTIONS NJ Reg. No. 20852

ENJOY THE SKIN YOU'RE IN NJ Reg. No. 20851

that are currently held by Assignor, including but not limited to, and all the goodwill associated with the marks, and including the right to collect past damages. Assignee shall have the responsibility of maintaining the New Jersey registrations.

PRIORITY MEDICAL CARE, P.A.

By: Jon B BradnickPrinted Name: Jon B BradnickDate: 8/11, 2011 Title: President

## NOTARY:

State of	)
	) S.S.:
County of	)

Before me this 1<sup>st</sup> day of August, 2011, personally appeared Jon B. Bradnick, MD to me known to be the person who is described in and who signed the foregoing Assignment and acknowledged to me that he signed the same of his own free will for the purpose therein expressed.

MERRIANNE R. VAN NOTE  
Notary Public

REFLECTIONS OF LIVINGSTON, LLC

By: Clay

Printed Name: Mitchell Chasin, MD

Date: 8/1, 2011 Title: Owner

NOTARY:

State of )  
) S.S.:  
County of )

Before me this 1<sup>st</sup> day of August, 2011, personally appeared Mitchell Chasin, MD to me known to be the person who is described in and who signed the foregoing Assignment and acknowledged to me that he signed the same of his own free will for the purpose therein expressed.

Merrianne R. Van Note

Notary Public

